

dependent claim 18, was submitted to the PTO on 31 January 2000, exactly one year prior to the Office Action. A copy of Preliminary Amendment A (including the post card receipt from the PTO) is attached.

3. The Office Action rejected claims 3 through 7 under 35 USC §102(b) as being anticipated by French reference 2,570,057. The Office Action relied on stops 11 and 13 of the container and cap, respectively, of the '057 French reference. Stop 13 is part of the top of the cap and is not part of the skirt of the cap as now required by claim 3.

Claims 4 through 7 depend from claim 3, and are not anticipated by the '057 French reference for the same reason that claim 3 is not anticipated. In addition, the examiner did not identify, in the '057 French reference, the temporary deformation and limitation of deformation required by claim 6.


4. The Office Action rejected claims 3, 4, and 6 through 11 under 35 USC §102(b) as being anticipated by Duff '077. The Office Action relied on stop ring 50 of Duff cap to engage the land area of the container mouth. Stop 50 is part of the top of the cap and is not part of the skirt of the cap as now required by claim 3. Claims 4 and 6 through 11 depend directly or indirectly from claim 3, and are not anticipated by Duff '077 for the same reason that claim 3 is not anticipated.

The claims are now in condition for allowance, and the applicant requests reconsideration and allowance.

Respectfully submitted,

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MARKED-UP COPY OF AMENDED CLAIMS

Pursuant to 37 CFR §1.121(c)(1)(ii), this marked-up copy of the amended claims is attached to applicant's Reply to Office Action Under 37 CFR §1.111:



3. (Amended) A cap and container assembly comprising:
a container and a cap;
the container including a base, and a neck for sealing engagement with the cap[,];
a land area at an end of the neck defining a container mouth, and an exterior surface of the neck below the land area and an exterior surface of the base defining an exterior side surface of the container;
the cap including a top and a skirt depending peripherally from the top;
the skirt including a stopping surface;
wherein the stopping surface of the skirt and a stopping surface of [stopping surfaces of the cap and] the container engage to form a positive stop to lower engagement of the cap with respect to the container.

4. (Amended) A cap and container assembly as in claim 3, the stopping surfaces comprising at least one stopping projection on an interior surface of the cap and a shoulder on the exterior side surface of the container [an exterior surface of the container].

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8. (Amended) A cap and container assembly as in claim 3, the cap including at least one annular protrusion which can sealingly engage the [an] exterior surface of the neck.

10. (Amended) A cap and container assembly as in claim 9, wherein an interior surface of the neck includes the first surface, and the [an] exterior surface of the neck includes the second surface.

11. (Amended) A cap and container assembly as in claim 10[, the cap further including a top and a skirt depending peripherally from the top];

wherein the cap can be secured to the container by threading engagement of a threaded-portion of an interior surface of the skirt with a threaded-portion of the exterior surface of the neck, the first and second protrusions depend from an interior surface of the top, and the stopping surfaces comprise at least one stopping projection on the interior surface of the skirt and a shoulder on the exterior surface of the neck above the threaded-portion of the exterior surface of the neck.